

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

CINDY VIRGINIA ALLMAN,

Petitioner,

v.

J.D. SALLAZ,

Respondent.

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Civil Action No. 3:20-00458

TRANSFER ORDER

On July 6, 2020, Petitioner, acting *pro se*, initiated a *habeas* action with this Court pursuant to 28 U.S.C. § 2254. (Document Nos. 1 – 4.) This matter is assigned to the Honorable Robert C. Chambers, United States District Judge, and it is referred to the undersigned United States Magistrate Judge for initial screening and to make proposed findings and a recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). (Document No. 5.)

The undersigned notes that Petitioner is incarcerated at Lakin Correctional Center and challenges her State court conviction entered by the Circuit Court of Harrison County, West Virginia. Lakin Correctional Center is located within the Southern District of West Virginia. The Circuit Court of Harrison County, however, is located within the Northern District of West Virginia. Title 28 U.S.C. § 2241(d) provides as follows:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the

other district court for hearing and determination.


Petitions challenging a conviction are preferably heard in the district of conviction. Due to the need for accessibility to evidence, records, and witnesses, the district of conviction is generally the more convenient and appropriate venue under Section 2241(d). See Eagle v. Linahan, 279 F.3d 926, 933 n. 9 (11th Cir. 2001); Martin v. Johnson, 2009 WL 2434734, n. 1 (E.D.Va. Aug. 4, 2009). The district of Petitioner's conviction is the Northern District of Virginia, Clarksburg Division.

In furtherance of justice, and pursuant to 28 U.S.C. § 1404(a), this matter is hereby **TRANSFERRED** to the United States District Court for the Northern District of West Virginia, Clarksburg Division, for further consideration. The Clerk is directed to transmit Petitioner's file to the Clerk of Courts at the United States District Court for the Northern District of West Virginia. Petitioner is hereby **NOTIFIED** that this matter will be assigned a new case number and will be assigned to a new judicial officer by the Clerk's Office for the United States District Court for the Northern District of West Virginia.

The Clerk is directed to mail a copy of this Order to Petitioner.

ENTER: July 8, 2020.




Omar J. Aboulhosn
United States Magistrate Judge